

1. The plaintiff's objection to the Recommendation of the Magistrate Judge filed on February 11, 2010 (Doc. No. 64), is overruled;
2. The Recommendation of the Magistrate Judge filed on February 1, 2010 (Doc. No. 60), is hereby ADOPTED, APPROVED and AFFIRMED;
3. The plaintiff's claims presented against Judge Sharon Yates are hereby DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii);
4. The plaintiff's challenges to the constitutionality of the criminal charges pending against him before the Grand Jury of Montgomery County, Alabama are hereby DISMISSED without prejudice pursuant to the provisions of 28 U.S. C. § 1915 (e)(2)(B)(ii) as such claims are not properly before the court at this time;

5. This case, with respect to the plaintiff's claims challenging the constitutionality of his arrest and the actions taken against him during the arrest, is referred back to the Magistrate Judge for additional proceedings.

DONE this 26th day of February, 2010.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE